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SEC

SERVICE DATE - OCTOBER 22, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34596

WISCONSIN NORTHERN RAILROAD COMPANY, LLC—LEASE AND OPERATION  
EXEMPTION—RAIL LINES OF WISCONSIN CENTRAL, LTD.

Decided: October 21, 2004

On October 5, 2004, Wisconsin Northern Railroad Company, LLC (WNRC), a noncarrier, filed a verified notice of exemption under 49 CFR 1150.31 to lease from Wisconsin Central, Ltd. and operate 23.97 miles of rail line consisting of (1) the Almena-Cameron Branch that extends between milepost 80.88 at or near Almena and milepost 97.80 at or near Cameron, a distance of 16.92 miles in Barron County, WI, and (2) the Rice Lake-Cameron Branch that extends between milepost 49.0 at or near Cameron and milepost 56.05 at or near Rice Lake, a distance of 7.05 miles in Barron County. By letter filed on October 15, 2004, WNRC has requested that its notice of exemption be withdrawn.

WNRC indicates that its corporate parent and current rail carrier, Progressive Rail, Incorporated (PGR), proposes to file a new notice in its own behalf to lease and operate the 23.97 miles of rail line in Barron County to avoid the common control situation that otherwise would occur and would require Board approval should WNRC become a rail carrier under the instant notice. See Progressive Rail, Incorporated—Continuance in Control Exemption—Wisconsin Northern Railroad Company, LLC, STB Finance Docket No. 34598 (STB served Oct. 8, 2004), in which PGR's attempt to invoke the Board's class exemption to continue in control of WNRC once it became a rail carrier was rejected because the line being acquired by WNRC would connect to a line being acquired concurrently by PGR in Progressive Rail, Incorporated—Lease and Operation Exemption—Rail Line of Union Pacific Railroad Company, STB Finance Docket No. 34597. The request will be granted and the proceeding will be dismissed.

It is ordered:

1. The request to withdraw the notice of exemption is granted and the proceeding in STB Finance Docket No. 34596 is dismissed.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary